IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.19640 of 1998

Between:

K.S.Brahmam s/o. Satyanarayana, r/o. Gandhi Nagar, 6-6-449,

Secunderabad.

..... PETITIONER

AND

1 The Presiding Officer, Labour Court - I, Hyderabad.
2 The Depot Manager, A.P.S.R.T.C., Bharkatpura Depot, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ more particularly one in the nature of Writ of Certiorari calling for the records from the 1st Respondent in I.D.33/90 and quash the award dt. 20-3-1992 in so far denying the continuity of service, back wages and all other attendant benefits as illegal, arbitrary, and unjust, and consequently direct the 2nd respondent to pay the same.

Counsel for the Petitioner: MR.V.VISWANATHAM

Counsel for the Respondent No.1: GP for Finance and Planning

Counsel for the Respondent No.2: Mr. V.T.M. Prasad (SC for APSRTC)

The Court made the following :

ORAL ORDER:

This Writ Petition is directed against the Award passed by the Labour Court, at Hyderabad, in I.D.No.33 of 1990 dated 20th day of March, 1992, wherein, the petitioner-workman was given relief of reinstatement into service without continuity of service and without any back wages and other attendant benefits.

The petitioner was appointed as a Conductor in Andhra Pradesh State Road Transport Corporation (APSRTC) in the year 1972. While he was conducting a Bus, a check was exercised by the officials of the Corporation on 15.12.1975 and found some cash and ticket irregularities. On the basis of the said irregularities, disciplinary proceedings were initiated against him and after observing all the formalities the services of the petitioner were terminated by an order, dated 28.06.1976. Aggrieved by the same, he has filed an appeal before the Divisional Manager, which was also rejected on 15.10.1976 and the review filed, subsequently, also failed. Thereafter, he did not move his little finger and only in the year 1985, he raised conciliation proceedings before the Labour Officer, which were referred to the Government, on failure of the conciliation. But, the Government refused to refer the matter for adjudication to the Tribunal. However, he filed writ petition No.12774 of 1985 before this court challenging the same and during the pendency of the said writ petition, the provisions of Section 2-A of the Industrial Disputes Act were amended and sub-section (2) was added enabling the individual workman, who were dismissed from service, to approach the Labour Court directly. Therefore, the petitioner filed a claim petition under section 2-A (2) of the Industrial Disputes Act before the Labour Court, Hyderabad. The same was taken up and

relief was granted on 20th March, 1992. It is further interesting to note that even thereafter the writ petitioner has not filed any writ petition immediately and he filed the present writ petition in the year 1998 i.e., after more than five years of the award passed by the Labour Court, Hyderabad.

I am of the considered opinion that there is no illegality or irregularity committed by the Labour Court in coming to such a conclusion. In fact, the Labour Court took a lenient view of the matter at that length of time and granted some relief to the petitioner. Now, the petitioner, having not satisfied with the relief granted by the Labour Court, filed the present writ petition. The petitioner hardly worked for five years in the second respondent-Corporation and was reinstated only after 20th March, 1992 in view of the Award of the Labour Court. Thus, he was not in service for more than 18 years. Now, learned counsel for the petitioner contends that at least the petitioner be given benefit of continuity of service for the purpose of service benefits. I am of the opinion that such a relief cannot be granted. The writ petition is devoid of merits and liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

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09.09.2004

Nsr

To

1 The Presiding Officer, Labour Court - I, Hyderabad.
2 The Depot Manager, A.P.S.R.T.C., Bharkatpura Depot, Hyderabad.

3. Two CCs to GP for Finance and Planning, High Court of AP, Hyderabad (OUT)

4. Two CD copies.